

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSHUA LEBARRON, individually and on
behalf of all similarly situated individuals, et al.,

ORDER

Plaintiffs,

14-CV-6628G

v.

KAYDEN INDUSTRIES (USA), INC.,

Defendant.

Having reviewed and considered the Joint Motion for Approval of Settlement (Docket # 141), and having conducted a fairness hearing on August 25, 2017, for the reasons stated more fully on the record at the hearing, the Court finds that the proposed settlement, attorney's fees and incentive payments are fair and reasonable and, for good cause shown, it is hereby

ORDERED that:

1. The Motion for Approval of Settlement (**Docket # 141**) is **GRANTED**, and the settlement agreement is hereby **APPROVED**.
2. Plaintiffs' counsel is hereby directed to mail the Notice of Settlement and Release of Claims (**Docket # 150**) to current and putative plaintiffs within seven (7) days of the date of this Order.
3. Plaintiffs' request for attorneys' fees in the amount of \$375,000.00 and costs in the amount of \$49,973.14 is **GRANTED**.

4. The request to approve an incentive payment in the amount of \$6,000.00 to Named Plaintiff Joshua Lebarron is **GRANTED**.

5. The requests to approve incentive payments in the amount of \$1,000.00 for each of the Opt-in Plaintiff deponents (Tyler Benjamin, Travis Brooks, Donnie Caldwell, Brett Eichenberger, Andrew Gordon, Erik Jackson, Stephen Johnson, Thomas Kerns, Jennifer Nicholson, Adam Prisella, Jesse Richardson, Benjie Smith, Ernest Smith, and Stanley Stroman) are **GRANTED**.

6. The claims of the four individuals (Jayson Cirelli, Patrick Dandrea, Robert Riggle, and Joseph Welker) who are not within the scope of the Class are hereby **DISMISSED WITHOUT PREJUDICE** and the statute of limitations on any federal or state unpaid overtime is hereby TOLLED for a period of ninety (90) days from the date of this Order.

7. The five individuals (Bryan Black, Chris Blind, Cody Motl, Allen Ray, and Hunter Krasnuik) whose claims equal \$0.00 are hereby **DISMISSED WITHOUT PREJUDICE** and the statute of limitations on any federal or state unpaid overtime is hereby TOLLED for a period of ninety (90) days from the date of this Order.

IT IS SO ORDERED.

Marian W. Payson

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
August 25, 2017